

form submitted herewith. Synthes also refers to and incorporates by reference its Statement of Uncontested Material Facts (hereinafter “SUMF”) filed in conjunction with the instant Motion under seal, including paragraphs 1144 through 1150 which particularly relate to Emerge’s Amended Counterclaims.

Respectfully submitted,

Dated: November 18, 2013

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CERTIFICATE OF SERVICE

I, Rosemary McKenna, hereby certify that on November 18, 2013, I caused a true and correct copy of the foregoing, including the documents filed under seal, to be served via first-class U.S. mail upon the following:

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